

REMARKS

In response to the final Office Action dated March 16, 2010, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-15 are pending in this application.

Rejection of Claims 1, 6 & 8-15 under § 103 (a)

The Office rejected claims 1, 6, and 8-15 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/136240 to Counterman in view of U.S. Patent 6,483,870 to Locklear, JR., *et al.*

These claims, though, are not obvious over *Counterman* with *Locklear*. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Counterman* with *Locklear*. Independent claim 1, for example, recites “*logically bonding a first physical medium to a residential gateway in a subscriber’s premises*” and “*connecting a second physical medium to the residential gateway*” (emphasis added). Support for these features may be found at least in the as-filed application at paragraphs [0019] - [0020]. Independent claims 8 and 16 recite similar features.

These features are not obvious over *Counterman* with *Locklear*. *Counterman’s* uses a shared line to physically separate subscribers when extra bandwidth is needed. *Counterman’s* shared line simultaneously delivers service to the physically separate subscribers. As *Counterman* explains, the “**present invention allows the simultaneous delivery of different services to physically separate subscribers over a shared single pair of wires.**” U.S. Patent Application Publication 2002/136240 to Counterman at paragraph [0009] (emphasis added). “**The wire pairs are used to simultaneously carry different services to physically separated subscribers, i.e., a portion of a common line carries one service to one location and a second**

service to another location.” *Id.* (emphasis added). *See also id.* at paragraphs [0011] and [0025].

Locklear assigns pools of modems and twisted pair lines to increase data rates. Information passes between a device and a server using a modifiable number of modems. *See* U.S. Patent 6,483,870 to Locklear, JR., *et al.* at column 3, lines 40-44. Loading information on the modems is compared to threshold information to add or remove modems as needed. *See id.* at column 5, lines 59-65.

Even so, claims 1, 6, and 8-15 are not obvious over *Counterman* with *Locklear*. The independent claims recite distinguishing features, and the dependent claims incorporate these distinguishing features. One of ordinary skill in the art, then, would not think that these claims are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 2, 5 & 7 under § 103 (a)

The Office also rejected claims 2, 5, and 7 under 35 U.S.C. § 103 (a) as being obvious over *Counterman* with *Locklear* and further in view of U.S. Patent 6,452,923 to Gerszberg, *et al.* These claims, though, depend from independent claim 1, so these claims incorporate the same distinguishing features. Because the proposed combination of *Counterman* with *Locklear* and *Gerzberg* fails to teach or suggest all the features of independent claim 1, one of ordinary skill in the art would not think that these claims are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. P. Zimmerman", with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390